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Application No. 05 702 950.6 - 2201	Ref. PHUS040126EP1	Date 20.12.2007
Applicant Koninklijke Philips Electronics N.V.		

**Communication pursuant to Article 94(3) EPC**

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(2) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

**of 4 months**

from the notification of this communication, this period being computed in accordance with Rules 126(2) and 131(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (R. 50(1) EPC).

**Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Art. 94(4) EPC).**



Barba, Michelangelo  
Primary Examiner  
for the Examining Division

Enclosure(s): 2 page/s reasons (Form 2906)

The examination is being carried out on the **following application documents**:

**Description, Pages**

1-12 as published

**Claims, Numbers**

1-26 as published

**Drawings, Sheets**

1-4 as published

Reference is made to the following document; the numbering will be adhered to in the rest of the procedure:

D1: US-A-5 814 075 (KROLL ET AL) 29 September 1998 (1998-09-29)

- 1 An International Preliminary Report on Patentability has already been drawn up for the present application in accordance with the PCT. The deficiencies mentioned in that report give rise to objections under the corresponding provisions of the EPC.
- 2 The applicant is invited to file new claims which take account of the above comments.
  - 2.1 When filing amended claims the applicant should at the same time bring the description into conformity with the amended claims. Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC).
  - 2.2 In order to facilitate the examination of the conformity of the amended application

with the requirements of Article 123(2) EPC, the applicant is requested to clearly identify the amendments carried out, irrespective of whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based.

- 2.3 The applicant is requested to effect the amendments by filing replacement pages for only those pages which have been amended. Unnecessary recasting of the description should be avoided. An amended abstract is not required. The applicant should also take account of the requirements of Rule 50 (1) EPC. If handwritten amendments are submitted, they should be clearly legible for the printer. *According to the decision of the President of the EPO under Rule 35(2) EPC1973 (OJ EPO 12/2001, 563) one set of the amended documents of the European patent application shall be provided.*
- 2.4 Moreover, it is considered as appropriate in the present case to draft the new independent claim in the two-part form as required by Rule 43 (1) EPC, whereby the features known in combination from document D1 should be placed in the preamble, Rule 43 (1) (a).  
If the applicant is of the opinion that a two-part form of the claim would be inappropriate he is invited to provide reasons in his reply.  
In addition, the applicant should ensure that it is clear from the description which features of the subject-matter of the new independent claim are known from document D1 ; see Guidelines C-III,2.2.
- 2.5 To meet the requirements of Rule 42 (1) (b) EPC, document D1 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.
- 2.6 If the applicant so wishes, he can contact the examiner about this dossier by e-mail at the following address: mbarba@epo.org, with a view to preparing his reply but not for officially replying to the present communication (see OJ 10/2000, page 458).  
NB: Information exchanged with the European Patent Office by e-mail has no legal force. Applicants must therefore not use e-mail to perform any procedural act, such as submitting communications subject to time limits (see Guidelines A-IX, 2.5 and C-VI, 6).



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Date

18.10.06

Reference  
PHUS040126EP1

Application No./Patent No.  
05702950.6 - 2201 PCT/IB2005050537

Applicant/Proprietor  
Koninklijke Philips Electronics N.V.

#### Notification of European publication number and information on the application of Article 67(3) EPC

The provisional protection under Article 67(1) and (2) EPC in the individual contracting states becomes effective only when the conditions referred to in Article 67(3) EPC have been fulfilled (for further details, see information brochure of the European Patent Office "National Law relating to the EPC" and additional information in the Official Journal of the European Patent Office).

Pursuant to Article 158(1) EPC the publication under Article 21 PCT of an international application for which the European Patent Office is a designated Office takes the place of the publication of a European patent application.

The bibliographic data of the above-mentioned Euro-PCT application will be published on 15.11.06 in Section I.1 of the European Patent Bulletin. The European publication number is 1721278.

In all future communications to the European Patent Office, please quote the application number plus Directorate number.

Receiving Section





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Date

13-10-2006

Reference  
PHUS040126EP1

Application No./Patent No.  
05702950.6 - 2201 PCT/IB2005050537

Applicant/Proprietor  
Koninklijke Philips Electronics N.V.

## Communication pursuant to Rules 109 and 110 EPC

### (1) Amendment of application documents, especially the claims (R. 109 EPC)

The above mentioned international (Euro-PCT) application has entered the European phase, or can do so, once the necessary conditions are fulfilled.

Under Articles 28, 41 PCT, Rules 52, 78 PCT and Rule 86(2) to (4) EPC, the applicant may amend the application documents after receiving the international search report.

**Whether or not he has already done so, he now has a further opportunity to file amended claims or other application documents within a non-extendable time limit of one month after notification of the present communication (R. 109 EPC).**

The claims applicable on expiry of the above time limit, i.e. those filed on entry into the European phase or in response to the present communication, will form the basis for the calculation of any claims fee to be paid (see page 2) and for any supplementary search to be carried out under Article 157(2) EPC (R. 109 EPC).

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**(2) Claims fees under Rule 110 EPC**

If the application documents on which the European grant procedure is to be based comprise more than ten claims, a claims fee shall be payable for the eleventh and each subsequent claim within the period provided for in Rule 107(1) EPC.

- ☐ Based on the application documents currently on file, all necessary claims fees have already been paid (or the documents do not comprise more than 10 claims).
- ☒ All necessary fees will be/have been debited automatically according to the automatic debit order.
- ☐ The claims fees due for the claims ..... to ..... were not paid within the above-mentioned period.

Any non-paid claims fee, either based on the current set of claims or on any amended claims to be filed pursuant to Rule 109 EPC (see page 1), may still be validly paid within a non-extendable period of grace of **one month** after notification of this communication.

If a payment is made for only some of the claims, it must be indicated for which claims it is intended. If a claims fee is not paid in due time, the claim concerned is deemed to be abandoned (R. 110(4) EPC).

If claims fees have already been paid, but on expiry of the above-mentioned time limit there is a new set of claims containing fewer fee-incurring claims than previously, the claims fees in excess of those due under Rule 110(2), 2nd sentence, EPC will be refunded (R. 110(3) EPC).

You are reminded that any supplementary search under Article 157(2) EPC will relate only to the last set of claims applicable on expiry of the above time limit AND will be confined to those fee-incurring claims for which fees have been paid in due time.

The fee for the eleventh and each subsequent claim is EUR 45,00.

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